
ORDER OF THE STATE PERSONNEL BOARD

Vincent Cappozzella,

Complainant,

v.

Department of Corrections, Canon Territorial Correctional Facility,

Respondent.

The State Personnel Board (the "Board") met in public session on July 18, 2000. During this public session, the Board considered the record on appeal:

1. Complainant's Answer Brief was filed on June 20, 2000. As indicated in correspondence dated, June 20, 2000, it was filed out of time as a result, in part, of Complainant being unavailable because of military duty through May 30, 2000.
2. Complainant failed to advise opposing counsel of the request for extension of time.
3. The Board Director had granted an extension of time for the filing of the Opening Brief from June 2, 2000 to June 16, 2000.
4. Respondent filed an Answer Brief, albeit in prose form on June 26, 2000.

The following order is entered:

I. Opening Brief

The Board **declines** to review Complainant's Opening Brief. The Board notes that the initial delay in providing the brief was as a result of a military commitment. The Opening Brief was originally due on or about June 2, 2000. But, the Board also notes that an extension of time was granted through June 16, 2000, and that despite Complainant receiving somewhat later notice of the extension of time, he had an opportunity to timely file an Opening Brief as ordered by the Director on June 14, 2000.

This order represents the affirmative vote of the following Board members:

Ms. Hoffman, Ms. Daly, Ms. Lottner, and Ms. Snowden.

II. The Appeal of the Initial Decision

The Board AFFIRMS the Initial Decision of the Administrative Law Judge and adopts/affirms the findings of fact and conclusions of law of the Administrative Law Judge in the March 3, 2000 Initial Decision.

This order represents the affirmative vote of the following Board members:

Ms. Hoffman, Ms. Daly, Ms. Lottner, and Ms. Snowden.

Dated this _____ day of July, 2000	
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Joy Hoffman
Board Chair
State Personnel Board
1120 Lincoln Street, Suite 1420
Denver, CO 80203

NOTICE OF APPEAL

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4106(11), C.R.S. (1999), as provided in Section 24-50-125.4(3), C.R.S. (1999).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

CERTIFICATE OF MAILING

This is to certify that on the _____ day of _____, 2000, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD, in the United States mail, postage prepaid, addressed as follows:

Vincent J. Capozzella
0123 County Road 21
Canon City, CO 81212

And in the interagency mail, addressed as follows:

Cristina Valencia
Assistant Attorney General
1525 Sherman Street, 5th Floor
Denver, CO 80203